

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, JANUARY 14, 2003  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 9:58 a.m. The meeting was recessed by Mayor Murphy at 11:24 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:30 a.m. with Council Members Zucchet not present. Mayor Murphy recessed the meeting at 11:52 a.m.

The meeting was reconvened by Mayor Murphy at 2:04 p.m. with all Council Members present. The meeting was recessed by Mayor Murphy at 4:18 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 4:41 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 5:01 p.m.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

Clerk-Abdelnour/Lane (er/gS)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1:

Judie Italiano, representing MEA, offered Council MEA's help and support during the budget shortfalls affecting City Employees.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 9:59 a.m. - 10:00 a.m. )

PUBLIC COMMENT-2: **REFERRED TO THE CITY MANAGER**

Henry Olivas submitted a list of eucalyptus trees requiring trimming and treatment and which may present a hazard to the public.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:00 a.m. - 10:02 a.m.)

PUBLIC COMMENT-3:

Don Stillwell thanked the City Council for their attentiveness and willingness to listen to the citizens of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:02 a.m.- 10:04 a.m.)

PUBLIC COMMENT-4:

Noel Nuedeck commented on Item 202 of Monday's meeting. He requested answers to his questions by Monday, January 20, 2003.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:04 a.m.- 10:07 a.m.)

PUBLIC COMMENT-5: **REFERRED TO THE CITY ATTORNEY AND THE CITY  
MANAGER**

Sherri Lightner commented regarding the filing of an appeal to the Kooklani Project by the La Jolla Town Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:07 a.m.- 10:11 a.m.)

PUBLIC COMMENT-6:

Don Schmidt requested parking lane striping on Calument Avenue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:11 a.m.- 10:13 a.m.)

PUBLIC COMMENT-7:

Bob Wright expressed his concerns regarding Vista Sorrento Parkway and the sale of Pueblo lands.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:13 a.m.- 10:15 a.m.)

**PUBLIC COMMENT-8:**

Barbara MacKenzie commented regarding the medical marijuana issue.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m.- 10:18 a.m.)

**PUBLIC COMMENT-9:**

Alan Sorkin expressed his opposition to the Safe Harbor Ordinance and medical marijuana.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m.- 10:22 a.m.)

**PUBLIC COMMENT-10:**

Maggie Valentine commented on the traffic congestion around NTC and Rosecrans Street.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m.- 10:26 a.m.)

**PUBLIC COMMENT-11:**

Caryl Foster presented the concerns of the Maryland Hotel residents regarding their pending eviction.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m.- 10:31 a.m.)

**PUBLIC COMMENT-12:**

Mel Shapiro commented on the SRO Ordinance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:31 a.m.- 10:34 a.m.)

**PUBLIC COMMENT-13:**

Ron Boshun expressed his opinion regarding the behavior of the Council.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:34 a.m.- 10:37 a.m.)

**COUNCIL COMMENT:**

**COUNCIL COMMENT-1:**

Mayor Murphy commented on the budget and his support of implementing a hiring freeze for general fund employees.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:44 a.m.- 10:45 a.m.)

**COUNCIL COMMENT-2:**

Council Member Atkins announced that there was a grand opening on Saturday of the Hollywood Palms housing complex in City Heights.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:45 a.m.- 10:47 a.m.)

**COUNCIL COMMENT-3:**

Council Member Frye announced that there will be a blood donation drive at the Mission Valley Library on February 11, 2003. Donors should call 858-573-5007 for an appointment to donate blood.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:47 a.m.- 10:48 a.m.)

**COUNCIL COMMENT-4:**

Council Member Peters wanted to clarify that water and sewer services are not at risk by budget cuts because they are funded by rate payers.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:48 a.m.- 10:49 a.m.)

**CITY MANAGER COMMENT:**

City Manager Uberuaga updated Council on the City's budget and the impact that the Governor's budget will create.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:37 a.m.- 10:44 a.m.)

**CITY ATTORNEY COMMENT:**

None.



ITEM-200: Amendment to the Revised Retainer Agreement for Outside Counsel.

(Continued from the meeting of 12/09/2002, Item 103, at the request of Councilmember Peters, to consider a briefing on the item in Closed Session before a vote is taken.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-736)                      ADOPTED AS AMENDED RESOLUTION R-297550

Authorizing the City Manager to execute an amendment to the revised retainer agreement dated November 20, 2000, with Bingham, McCutchen, LLP (formerly McCutchen, Doyle), for legal services in connection with Clean Water Act matters;

Authorizing the expenditure of an amount not to exceed \$350,000 from Fund No. 41509, Metro Wastewater Department Fiscal Year 2003 Operations and Maintenance Budget, Organization 445, Object Account 4151, Job Order 005040, to provide funds for the above amended agreement.

**CITY MANAGER SUPPORTING INFORMATION:**

Bingham, McCutchen (formerly McCutchen, Doyle) has provided outside counsel services to the Metropolitan Wastewater Department since 1992, and possesses specialized expertise in the City's 301 (h) waiver process and applications. Three new actions require additional service: (1) Baykeeper v. State Water Resources Control Board, ex rel City, Superior Court Case No. GIC 796141 challenges the mass emissions limit of the City's permit; (2) the City is preparing a protective appeal to the EPA Environmental Appeals Board to preserve the challenge to applicability of the Ocean Pollution Reduction Act (OPRA) to the City's 301 (h) present and future permits; (3) EPA intervention in Baykeeper v. City of San Diego, District Court Case No. 01-CV-0550-B (Sewer Spills Case).

EPA has informed the City that since the pending case seeks remedies for sewer spills and overlaps with EPA Administrative Order No. CWA-309-9-02-17, the Federal Government will intervene to protect its interests. Such action will complicate the existing action and require more legal review. Outside counsel assistance is needed to assist City staff in each of these matters.

Bingham McCutchen has been retained since 1992 and has successfully assisted the City in defending Clean Water Act actions, and processing Clean Water Act appeals. This Amendment to Revised Retainer Agreement No. RR-294236 will increase funding by \$350,000 to assist City staff in the defense of the state board action, assist in the preparation of an appeal to the Environmental Appeals Board, and assist in the defense of Baykeeper v. City and EPA intervention.

**FISCAL IMPACT:**

Funds in the amount of \$350,000 are available in the MWWD FY 2003 Operations and Maintenance Budget, Fund 41509.

Mendes/Tulloch/WJH

Aud. Cert. 2300572.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:42 p.m. - 4:55 p.m.)

MOTION BY PETERS TO ADOPT THE RESOLUTION AS AMENDED TO REFLECT THE LIMIT AUTHORIZATION FROM \$250,000 RATHER THAN THE \$350,000 FOR PURPOSES OF SUPPORTING THE THREE EFFORTS ON WATER QUALITY. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-nay, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-nay, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-330: Two actions related to the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment Fiscal Year 2003.

(See City Manager Report CMR-02-261; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Otay Mesa Community Area. District-8.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-651) ADOPTED AS RESOLUTION R-297540

Designating an area of benefit in Otay Mesa and the boundaries thereof; confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to the Public Facilities Projects; the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering the proposed Public Facilities Project in the matter of Otay Mesa Facilities Benefit Assessment Area.

Subitem-B: (R-2003-624) ADOPTED AS RESOLUTION R-297541

Declaring that the assessment fee schedule contained in the Otay Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution R-297428, is an appropriate and applicable Development Impact Fee schedule [DIF] for all properties within the Otay Mesa Community;.

Declaring that the Docket Supporting Information and the text contained in the Otay Mesa Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/13/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: STRT - FB-6-03 (33)

COUNCIL ACTION: (Time duration: 11:31 a.m. - 11:48 a.m.)

Testimony in opposition by Lee Estep and Gary Triphan.

Testimony in favor by Judd Halenza, Rob Hixson, and John Leppert.

MOTION BY INZUNZA TO ADOPT. Second by Lewis. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-331: Two actions related to Scripps Miramar Ranch - FY 2003 Public Facilities  
Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-283; Public Facilities Financing Plan and  
FBA, Fiscal Year 2003, November 2002 2<sup>nd</sup> Draft. Scripps Miramar Ranch  
Community Area. District-5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-667 Cor. Copy) ADOPTED AS RESOLUTION R-297542

Designating an area of benefit in Scripps Miramar Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Scripps Miramar Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2003-666 Cor. Copy) ADOPTED AS RESOLUTION R-297543

Declaring that the assessment fee schedule contained in the Scripps Miramar Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal

Year 2003, November 2002, as adopted and approved on December 10, 2002, by Resolution No. R-297440, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Scripps Miramar Ranch Community;

Declaring that the Docket Supporting Information and the text contained in the Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/27/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: STRT - FB-11-03 (33)

COUNCIL ACTION: (Time duration: 11:48 a.m. - 11:49 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-332: Two actions related to Black Mountain Ranch - FY 2003 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-284; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Black Mountain Ranch Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-714) ADOPTED AS RESOLUTION R-297551

Designating an area of benefit in Black Mountain Ranch and the boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the area of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Black Mountain Ranch Facilities Benefit Assessment Area.

Subitem-B: (R-2003-713) ADOPTED AS RESOLUTION R-297552

Declaring that the assessment fee schedule contained in the Black Mountain Ranch Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution No. R-297438, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Black Mountain Ranch Community;

Declaring that the Docket Supporting Information and the text contained in the Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/27/2002, LU&H voted 5 to 0 to approve the City Manager's recommendation. Also, all interested stakeholders are to be included in the FBA process earlier. (Councilmembers Peters, Wear, Stevens, Maienschein and Frye voted yea.)

FILE LOCATION: STRT - FB-19-03 (33)

COUNCIL ACTION: (Time duration: 2:05 p.m. - 2:15 p.m.)

Testimony in opposition by Anne E. DeBevoise-Abel.

MOTION BY PETERS TO ADOPT. Second by Inzunza. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-333: Two actions related to Carmel Valley - FY2003 Public Facilities Financing Plan and Facilities Benefit Assessment.

(See City Manager Report CMR-02-262; Public Facilities Financing Plan and FBA, Fiscal Year 2003, October 2002 Draft. Carmel Valley Community Area. District-1.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2003-655) ADOPTED AS RESOLUTION R-297544

Designating two areas of benefit in Carmel Valley and boundaries thereof, confirming the description of Public Facilities Projects, the Community Financing Plan and Capital Improvement Program with respect to Public Facilities Projects, the method for apportioning the costs of the Public Facilities Projects among the parcels within the areas of benefit and the amount of the Facilities Benefit Assessments charged to each such parcel, the basis and methodology for assessing and levying discretionary automatic annual increases in Facilities Benefit Assessments, and proceedings thereto, and ordering of proposed Public Facilities Project in the matter of Carmel Valley Facilities Benefit Assessment Area.

Subitem-B: (R-2003-654) ADOPTED AS RESOLUTION R-297545

Declaring that the assessment fee schedule contained in the Carmel Valley Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2003, October 2002, as adopted and approved on December 3, 2002, by Resolution No. R-297426, is an appropriate and applicable development impact fee schedule [DIF] for all properties within the Carmel Valley Community;

Declaring that the Docket Supporting Information and the text contained in the Carmel Valley Public Facilities Financing Plan are incorporated by reference into this resolution as support and justification for satisfaction of findings required pursuant to California Government Code Sections 66001(a) and 66001(b) for imposition of DIFs. Specifically, it is determined and found that this documentation:

1. Identifies the purpose of the DIF;
2. Identifies the use to which the DIF is to be put;
3. Demonstrates how there is a reasonable relationship between the DIF's use and the type of development project on which the DIF is imposed; and
4. Demonstrates how there is a reasonable relationship between the need for the public facility and the type of development project on which the DIF is imposed.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 11/13/2002, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Wear, Stevens, Maienschein and Frye voted yea. Councilmember Peters not present.)

FILE LOCATION: STRT - FB-08-03 (33)

COUNCIL ACTION: (Time duration: 11:51 a.m. - 11:52 a.m.)

MOTION BY MAIENSCHIEIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-334: Toby Wells YMCA.

Matter of approving, conditionally approving, modifying or denying the Community Plan Amendment and Amendment to the New Century Center Master Plan, Conditional Use Permit No. 4706, and an Amendment to Planned Industrial Development/Planned Commercial Development No. 99-1269 (Permit No. 4705) to develop a new YMCA facility, including an approximately 45,000 square foot building with Child Care Center facility; a swimming pool with retractable cover; an outdoor soccer field (with lights); playgrounds, and associated restrooms. The 6.6 acre project site is in the existing Missile Park located at the northeast corner of Overland Avenue and Lightwave Avenue in the OS-TDR zone of the Kearny Mesa Community Plan area.

(CPA/Amendment to New Century Center Master Plan/CUP-4706/ Amendment to Planned Industrial Development/PCDP-99-1269, Permit No. 4705; Project No. 2358 & 2360. Kearny Mesa Community Plan Area. District-6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolutions in subitems A and B; adopt the resolution in subitem C to grant the permits:

Subitem-A: (R-2003-831) ADOPTED AS RESOLUTION R-297546

Adoption of a Resolution certifying that the information contained in the Mitigated Negative Declaration LDR No. 41-02049, on file in the office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code Section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations Section 15000 et seq.), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of Toby Wells YMCA-Project No. 2358 & 2360;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003-830) ADOPTED AS RESOLUTION R-297547

Adoption of a Resolution amending the Kearny Mesa Community Plan;

That the Council adopts the amendment to the New Century Center Master Plan (Volumes One through Three), a copy is on file in the office of the City Clerk;

That the Council adopts an amendment to the Progress Guide and General Plan for the City of San Diego to incorporate the above amended plans.

Subitem-C: (R-2003- ) GRANTED PERMIT, ADOPTED AS RESOLUTION  
R-297548

Adoption of a Resolution granting or denying Planned Industrial Development/Planned Commercial Development Permit No. 4705 and Conditional Use Permit No. 4706, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

On December 5, 2002 the Planning Commission voted 4-0 to approve; no opposition.

Ayes: Brown, Lettieri, Anderson, Chase

Recusing: Schultz, Steele

Not present: Garcia

The Kearny Mesa Community Planning Group has recommended approval of this project.

**SUPPORTING INFORMATION:**

The Toby Wells YMCA project proposes to develop the 6.6 acre Missile Park site with a YMCA community recreational facility. The project site is designated as Open Space in the Kearny Mesa Community Plan and is further identified in the New Century Center Master Plan as a passive recreational area. The site is zoned OS-TDR. The proposed YMCA facility would include an approximately 45,000 square foot, single-story athletic/recreational activity building; a Child Care Center; a 25 yard swimming pool with retractable cover; an outdoor soccer field with lights; children's playground, picnic areas, walking/jogging trail, and associated restroom facilities. The Child Care Center would provide day care for up to 88 children. Requested discretionary actions include an amendment to the Kearny Mesa Community Plan and the New Century Center Master Plan to allow active recreational uses on the site, a Conditional Use Permit, and an amendment to the existing Planned Industrial Permit/Planned Commercial

Development Permit (No. 99-1269). The project is subject to the Municipal Code that was in effect prior to January 2000 due to the existing Development Agreement between the City and the property owner.

**TRAFFIC IMPACT:**

The proposed project is estimated to generate approximately 1,279 average daily trips (ADT). This increase in trips is not expected to generate a significant impact on the surrounding roadway circulation.

**FISCAL IMPACT:**

All costs associated with the project are recovered from a deposit provided by the applicant.

Ewell/Christiansen/VLG

**LEGAL DESCRIPTION:**

The project site is zoned OS-TDR, and is located at the northeast corner of Overland and Lightwave Avenues in the Kearny Mesa Community Planning Area and is more particularly described as Lot 32, San Diego Spectrum Phase 2, Map No. 13827.

FILE LOCATION: LUP - Tobey Wells YMCA 1/14/03 (65)

COUNCIL ACTION: (Time duration: 10:50 a.m. - 11:24 a.m.)

Testimony in opposition by Noel Nuedeck.

Testimony in favor by Richard Webster, Eugene Lyons, James Boggus, Mike Reber, Adrienne Castaneda, and Emily Briggs.

MOTION BY FRYE TO ADOPT THE RESOLUTIONS IN SUBITEM A AND B;  
ADOPT THE RESOLUTION IN SUBITEM C TO GRANT THE PERMITS. Second by  
Inzunza. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea,  
Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-335: Street Name Change - Camino Ruiz and Camino Del Norte to Camino Del Sur.

(Torrey Highlands Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-709)                      ADOPTED AS RESOLUTION R-297549

Changing the name of a portion of Camino Ruiz and Camino Del Norte to Camino Del Sur.

**CITY MANAGER SUPPORTING INFORMATION:**

The applicant, Santa Luz LLC, requests Council to change the name of Camino Ruiz north of the Penasquitos Canyon and to change the name of a portion of Camino Del Norte to the new street name of Camino Del Sur. The street name Camino Ruiz would remain south of the Penasquitos Canyon. The street name Camino Del Norte would remain east of Black Mountain Road to its intersection with Pomerado Road in the City of Poway.

The extension of Camino Ruiz through the Penasquitos Canyon is not currently planned. Camino Ruiz and the area south of the canyon is fully improved with many adjacent properties addressed to Camino Ruiz. Camino Ruiz and the area north of the canyon is currently in development and the name change would have very little impact upon addressing. Renaming Camino Ruiz north of the canyon will relieve the confusion of the two roads not connecting, improving the convenience and safety of the public. Renaming a portion of Camino Del Norte, currently unimproved, would provide a continuous route to an appropriate intersection at Black Mountain Road which is also at the boundary of the City and County of San Diego.

The Rancho Penasquitos Planning Board approved the street name changes on June 5, 2002. There were no objections raised and the motion to endorse the name change passed unanimously. A petition seeking support of the street name change was approved by 100% of the affected property owners.

**FISCAL IMPACT:**

None. All costs will be paid by the applicant. Development Services Department recommends approval of this request.

Ewell/Broughton/AKW

FILE LOCATION: DEED F-9380

COUNCIL ACTION: (Time duration: 11:31 a.m. - 11:31 a.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-not present, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-336: Morena Vista Transit - Oriented Development Project.

(See Redevelopment Agency Report RA-03-02/City Manager Report CMR-03-01. North Bay Redevelopment Project Area. Districts-1, 2, and 6.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-852) ADOPTED AS RESOLUTION R-297553

Authorizing the modification of the Annual Allocation - Undergrounding Utilities, San Diego Gas & Electric Company Allocation for 2003 Calendar Year, contingent upon the California Public Utility Commission approval of the proposed Undergrounding Surcharge Fund and receipt of funds, by:

1. Removing the project known as CCDC Area 1, Phase 2, Job 2 (Transmission Only) located on Union Street between Date and Ash and on Beech Street between State and 4<sup>th</sup> estimated at \$1,114,000;
2. Removing the project known as Sorrento Valley Road between an area south of Carmel Valley Road and north of Oleander, estimated at \$741,000; and
3. Replacing both of these projects with a project known as Morena Vista Transit-Oriented Development Project, estimated at \$2,000,000.

Declaring that the foregoing actions are specifically contingent upon the California Public Utility Commission approval of the proposed Undergrounding Surcharge Fund and receipt of funds, and directing the staff to continue to refine the plan and to return to Council for approval;

Authorizing the City staff to negotiate a lease with the Development Agency for Park and Ride spaces adjacent to the Project.

**NOTE:** See the Redevelopment Agency Agenda of 1/14/2003 for a companion item.

**FILE LOCATION:** MEET (66)

**COUNCIL ACTION:** (Time duration: 2:15 p.m. - 4:54 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, (nay on the second portion pertaining to negotiating a lease), Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-337: Guidelines for Implementation of the HUD Section 108 Loan Program.

(See City Manager Report CMR-03-003.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-860) ADOPTED AS RESOLUTION R-297554

Approving the establishment of the proposed guidelines for the administration and use of the Department of Housing and Urban Development (HUD) Section 108 Loan Program as follows:

I. COLLATERALIZATION

1. Whenever possible, the Manager will recommend to the Council that the loan related asset, including leasehold interests and/or any revenue generated by the loan related project be used to collateralize the loan.
2. When full collateralization of a loan is not possible using only the loan related asset or revenue stream, the Manager will consider the following options in terms of each project's situation and needs and will recommend that one or more of the following be used:
  - A. From within the same Council district only, alternative real estate, revenue, or other assets including but not limited to:
    - Other 108 loan financed real estate which has uncollateralized value

- Any other appropriate City property
- Tax increment revenue (applicable only to projects in redevelopment areas)
- Assignment of leasehold interests, including the assignment of rights related to lease-leaseback agreements on property that could not otherwise be used as collateral, parkland in particular

B. Granting HUD the right to attach the City's final CDBG entitlement grant in the event that Congress terminates the CDBG program.

3. Community and Economic Development staff will keep track of collateral status for each loan and, in the case of those that are collateralized wholly or in part by alternatives contained in Guideline 2, will take necessary steps to reduce the collateral to only the loan related assets. These steps could include the release of encumbrances as loans are paid down and the substitution of one collateral source for another. HUD is generally receptive to substitution of collateral as long as the newly offered collateral meets their 125 percent requirement.

## II. LIMITS ON HUD SECTION 108 DEBT

Establish a limit on 108 debt to an amount no more than the 3.5 times the City's annual CDBG entitlements grant award.

## III. ESTABLISHMENT OF AN ANNUAL APPLICATION PROCESS FOR 108 LOANS

The Manager will utilize the annual Consolidated Plan process to provide a status report regarding use of Section 108 funds to the City Council.

To the greatest extent possible, the Consolidated Plan process will be used to structure the consideration of projects to be assisted with 108 loan funds.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:56 p.m.- 4:57 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Lewis. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

ITEM-338: HUD Section 108 Loan for District 3 Public Improvements.

(See City Manager Report CMR-03-004. City Heights, North Park and Normal Heights Community Areas. District-3.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2003-861)            ADOPTED AS RESOLUTION R-297555

Authorizing the City Manager to apply to the Housing and Urban Development Department (HUD) for a Section 108 loan of \$3,707,000 for public improvements in Council District 3 and to set forth the legal authority and certifications necessary for such an application;

Authorizing the City Manager to accept such funds; to expend such funds contingent on receipt of an Auditor's Certificate to do so; to conduct all negotiations related to the loan; and to execute and submit all documents related to the processing of such a loan;

Amending the Fiscal Year 2003 Capital Improvements Program by adding the following projects:

Ray Street Improvements - CIP-39-084.0  
Azalea Park Neighborhood Identification - CIP-39-086.0  
Shirley Ann Place Sidewalks - CIP-39-089.0  
Council District 3 Mid-block Streetlights - CIP-61-202.0

Authorizing the City Manager to appropriate proceeds of up to \$3,707,000 from the HUD 108 loan to the following CIP accounts, contingent upon receipt of the funds:

Neighborhood Revitalization Projects  
Adams Avenue Infrastructure - CIP-39-205.0  
El Cajon Boulevard Medians - CIP-39-201.0  
Ray Street Improvements - CIP-39-084.0  
North Park Main Street Streetscapes - CIP-39-207.0  
Euclid Avenue Revitalization Action Plan - CIP-52-699.0  
Azalea Park Neighborhood Identification - CIP-39-086.0  
Shirley Ann Place Sidewalks - CIP-39-089.0



Infrastructure Projects

Council District 3 Sidewalk Program - CIP-52-336.0

Council District 3 Streetlight Conversion - CIP-61-201.0

Council District 3 Mid-block Streetlights - CIP-61-202.0

Authorizing budget adjustments to the FY2002 Capital Improvements Program budget;

Authorizing the City Manager to use Council District 3 Community Development Block Grant (CDBG) annual allocations as the source of repayment of the HUD 108 loan;

Authorizing the City Manager to amend the CDBG 2003 Action Plan to reflect the use of HUD 108 loan funds for the following projects:

Neighborhood Revitalization Projects

Adams Avenue Infrastructure

El Cajon Boulevard Medians

Ray Street Improvements

North Park Main Street Streetscapes

Euclid Avenue Revitalization Action Plan

Azalea Park Neighborhood Identification

Shirley Ann Place Sidewalks

Infrastructure Projects

Council District 3 Sidewalk Program

Council District 3 Streetlight Conversion

Council District 3 Mid-block Streetlights

Authorizing the City Manager to pledge the City's annual CDBG entitlement grants as additional security for the repayment and to encumber the Mid City Police Station property (4310 Landis Street) as the collateral for the HUD Section loan.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 4:56p.m. - 4:57 p.m.)

MOTION BY ATKINS TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-not present, Mayor Murphy-yea.

**NON-DOCKET:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 5:01 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 5:01 p.m.)